

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) HUSTEK, (b) (6), (b) (7)(C)		2. EDIPI (b) (6), (b) (7)(C)	3. RANK/RATE (b) (6), (b) (7)(C)	4. PAY GRADE (b) (6), (b) (7)(C)
5. UNIT OR ORGANIZATION Marine Medium Tiltrotor Squadron 363, Marine Aircraft Group 16, 3d Marine Aircraft Wing, Marine Corps Air Station Miramar, San Diego, California			6. CURRENT SERVICE a. INITIAL DATE (b) (6), (b) (7)(C) b. TERM (b) (6), (b) (7)(C)	
7. PAY PER MONTH a. BASIC (b) (6), (b) (7)(C) b. SEA/FOREIGN DUTY None c. TOTAL (b) (6), (b) (7)(C)			8. NATURE OF RESTRAINT OF ACCUSED None	
			9. DATE(S) IMPOSED N/A	

II. CHARGES AND SPECIFICATIONS

10. CHARGE I: VIOLATION OF THE UCMJ, ARTICLE 128

Specification 1 (Assault Consummated by a Battery): In that (b) (6), (b) (7)(C) Hustek, U.S. Marine Corps, on active duty, did, at or near San Diego, California, on or about 20 November 2015, unlawfully bend the wrist of (b) (6), (b) (7)(C).

Specification 2 (Assault Consummated by a Battery): In that (b) (6), (b) (7)(C) Hustek, U.S. Marine Corps, on active duty, did, at or near San Diego, California, on or about 5 December 2015, place his hand around the neck of (b) (6), (b) (7)(C), lift her off the ground, and suspend her in the air.

Specification 3 (Aggravated Offer-Type Assault): In that (b) (6), (b) (7)(C) Hustek, U.S. Marine Corps, on active duty, did, at or near San Diego, California, on or about 5 December 2015, commit an assault upon (b) (6), (b) (7)(C) by placing a dangerous weapon on or near the neck of (b) (6), (b) (7)(C) in a manner likely to produce death or grievous bodily harm, to wit: a knife.

Specification 4 (Assault Consummated by a Battery): In that (b) (6), (b) (7)(C) Hustek, U.S. Marine Corps, on active duty, did, at or near San Diego, California, on or about 6 December 2015, unlawfully strike the head of (b) (6), (b) (7)(C) with the head of the said (b) (6), (b) (7)(C) Hustek.

Specification 5 (Assault Consummated by a Battery): In that (b) (6), (b) (7)(C) Hustek, U.S. Marine Corps, on active duty, did, at or near San Diego, California, on or about 23 December 2015, unlawfully bend the wrist of (b) (6), (b) (7)(C).

(CONTINUED ON SUPPLEMENTAL CHARGE SHEET 1)

III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI) (b) (6), (b) (7)(C)	b. GRADE E-5	c. ORGANIZATION OF ACCUSER HqHqRon, MCAS Miramar, CA
d. SIGNATURE (b) (6), (b) (7)(C)	e. DATE 26 Sep 2017	

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 26th day of September, 2017, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

(b) (6), (b) (7)(C)

Typed Name of Officer

O-3, USMC

Grade and Service
(b) (6), (b) (7)(C)

Signature

HqHqRon, MCAS Miramar, CA

Organization of Officer

TRIAL COUNSEL

Official Capacity to Administer Oaths
(See R.C.M. 307(b)—must be commissioned officer)

SUPPLEMENTAL CHARGE SHEET 1

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI)	2. EDIPI	3. RANK/RATE	4. PAY GRADE
HUSTEK, (b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6)	(b) (6)

Specification 6 (Assault Consummated by a Battery): In that (b) (6), (b) (7)(C) Hustek, U.S. Marine Corps, on active duty, did, at or near San Diego, California, on or about 23 December 2015, unlawfully strike the arm of (b) (6), (b) (7)(C) with the zipper of a jacket.

Specification 7 (Assault Consummated by a Battery): In that (b) (6), (b) (7)(C) Hustek, U.S. Marine Corps, on active duty, did, at or near San Diego, California, on or about 29 December 2015, place his hand around the neck of (b) (6), (b) (7)(C), lift her off the ground, and suspend her in the air.

Specification 8 (Assault Consummated by a Battery): In that (b) (6), (b) (7)(C) Hustek, U.S. Marine Corps, on active duty, did, at or near San Diego, California, on or about 29 December 2015, unlawfully strike the head of (b) (6), (b) (7)(C) with the head of the said (b) (6), (b) (7)(C).

CHARGE II: VIOLATION OF THE UCMJ, ARTICLE 133

Specification 1: In that (b) (6), (b) (7)(C) Hustek, U.S. Marine Corps, on active duty, did, at or near San Diego, California, between on or about 1 October 2012 and on or about 18 September 2015, wrongfully engage in a non-monogamous lifestyle by engaging in sexual relationships with individuals other than his wife, such conduct being under the circumstances unbecoming an officer and a gentleman.

Specification 2: In that (b) (6), (b) (7)(C) Hustek, U.S. Marine Corps, on active duty, did, at or near Nashville, Tennessee between on or about 1 August 2014 and on or about 31 August 2014, wrongfully have a sexual relationship with (b) (6), (b) (7)(C) a woman not his wife, such conduct being under the circumstances unbecoming an officer and a gentleman.

CHARGE III: VIOLATION OF THE UCMJ, ARTICLE 134

Specification 1 (Adultery): In that (b) (6), (b) (7)(C) Hustek, U.S. Marine Corps, a married man, on active duty, did, at or near Pensacola, Florida between on or about 31 August 2015 and on or about 11 October 2015, wrongfully have sexual intercourse with (b) (6), (b) (7)(C) a woman not his wife, and that said conduct was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.

Specification 2 (Threat, Communicating): In that (b) (6), (b) (7)(C) Hustek, U.S. Marine Corps, on active duty, did, at or near San Diego, California on or about 5 December 2015, wrongfully communicate to (b) (6), (b) (7)(C) a threat, to wit: "I could kill you right now," or words to that effect, and that said conduct was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.

Specification 3 (Obstructing Justice): In that (b) (6), (b) (7)(C) Hustek, U.S. Marine Corps, on active duty, did, at or near San Diego, California on or about 1 December 2015, wrongfully endeavor to influence the actions of (b) (6), (b) (7)(C) a witness in the case of (b) (6), (b) (7)(C) Hustek, a person against whom he had reason to believe there would be criminal proceedings pending, by communicating to (b) (6), (b) (7)(C)

"I forwarded that to myself to keep as leverage in case I need it"
 "But I sent that shit to myself for leverage"
 "Just keeping them as leverage in case you try to do something crazy"

or words to that effect, and that said conduct was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.

(CONTINUED ON SUPPLEMENTAL CHARGE SHEET 2)

SUPPLEMENTAL CHARGE SHEET 2

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI)

HUSTEK, (b) (6), (b) (7)(C)

2. EDIPI

(b) (6), (b) (7)(C)

3. RANK/RATE

(b) (6)

4. PAY GRADE

(b) (6)

Specification 4 (Obstructing Justice): In that (b) (6), (b) (7)(C) Hustek, U.S. Marine Corps, on active duty, did, at or near San Diego, California on or about 6 December 2015, wrongfully endeavor to influence the actions of (b) (6), (b) (7)(C), a witness in the case of (b) (6), (b) (7)(C) Hustek, a person against whom he had reason to believe there would be criminal proceedings pending, by communicating to (b) (6), (b) (7)(C) a threat to commit physical harm upon (b) (6), (b) (7)(C) Hustek if the said (b) (6), (b) (7)(C) reported any of (b) (6), (b) (7)(C) Hustek's criminal misconduct to (b) (6), (b) (7)(C) Hustek's command, and that said conduct was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.

Specification 5 (Obstructing Justice): In that (b) (6), (b) (7)(C) Hustek, U.S. Marine Corps, on active duty, did, at or near San Diego, California on or about 23 December 2015 and on or about 24 December 2015, wrongfully endeavor to influence the actions of (b) (6), (b) (7)(C), a witness in the case of (b) (6), (b) (7)(C) Hustek, a person against whom he had reason to believe there would be criminal proceedings pending, by communicating to (b) (6), (b) (7)(C):

"But if I keep my job, you will get tons of money from me"

"And if my job doesn't get fucked I will pay for your school"

"You better stay true to your word about the command stuff"

"Also no going around telling people I am a slime bag"

"If you do either, it's not going to go well for you"

or words to that effect, and that said conduct was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.

(END)

12. On 2 OCT, 20 17, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me. (See R.C.M. 308(a)). (See R.C.M. 308 if notification cannot be made.)

(b) (6), (b) (7)(C)

Typed Name of Immediate Commander

VMM-363, 3d MAW, MCAS Miramar, CA

Organization of Immediate Commander

O-5, USMC

(b) (6), (b) (7)(C)

Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at 0920 hours, 2 OCT 20 17 at VMM-363, 3d MAW,

Designation of Command or

MCAS Miramar, CA

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Typed Name of Officer

COMMANDING OFFICER

Official Capacity of Officer Signing

O-5, USMC

Grade

Signature

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

b. PLACE

c. DATE

3d Marine Aircraft Wing

MCAS, Miramar, CA

NOV 20 2017

Referred for trial to the General court-martial convened by GCMCO # 1-16

Dated 30, December 20 16, subject to the following instructions: None.

by of
Command or Order

M. R. WISE

Typed Name of Officer

COMMANDING GENERAL

Official Capacity of Officer Signing

MAJOR GENERAL, U. S. MARINE CORPS

Grade

(b) (6), (b) (7)(C)

Signature

15. On _____, 20 _____, I (caused to be) served a copy hereof on (each of) the above named accused.

(b) (6), (b) (7)(C)

Typed Name of Trial Counsel

O-3, USMC

Grade or Rank of Trial Counsel

Signature

FOOTNOTES

- 1 - When an appropriate commander signs personally, inapplicable words are stricken.
2 - See R.C.M. 601(e) concerning instructions. If none, so state.